

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDREY LARSHIN,

Petitioner,

v.

J. PICKETT,

Respondent.

No. 2:21-cv-0122 DJC KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner raises an excessive sentencing and ineffective assistance of counsel claim in his second amended petition. Respondent's lodged documents do not include the reporter's or clerk's transcripts from the state court criminal proceedings, and these transcripts are relevant to this court's review of petitioner's claims.

Pursuant to Rule 5 of the Federal Rules Governing Section 2254 Cases, respondent is required to attach to its answer the relevant transcripts. See Rule 5, 28 U.S.C. foll. § 2254. If portions of a relevant transcript are not lodged with respondent's answer, "[t]he judge may order that the respondent furnish other parts of existing transcripts..." See id.; see also Watkins v. Waddington, 106 F. App'x 582 (9th Cir. July 30, 2004) (vacating the district court's denial of a habeas petition and remanding the case so the transcript of state court proceedings can be obtained and reviewed).

Dated: July 21, 2023

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